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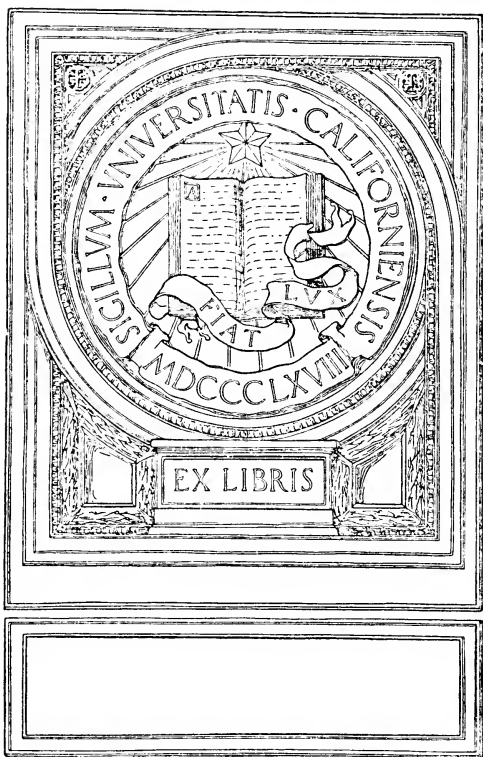
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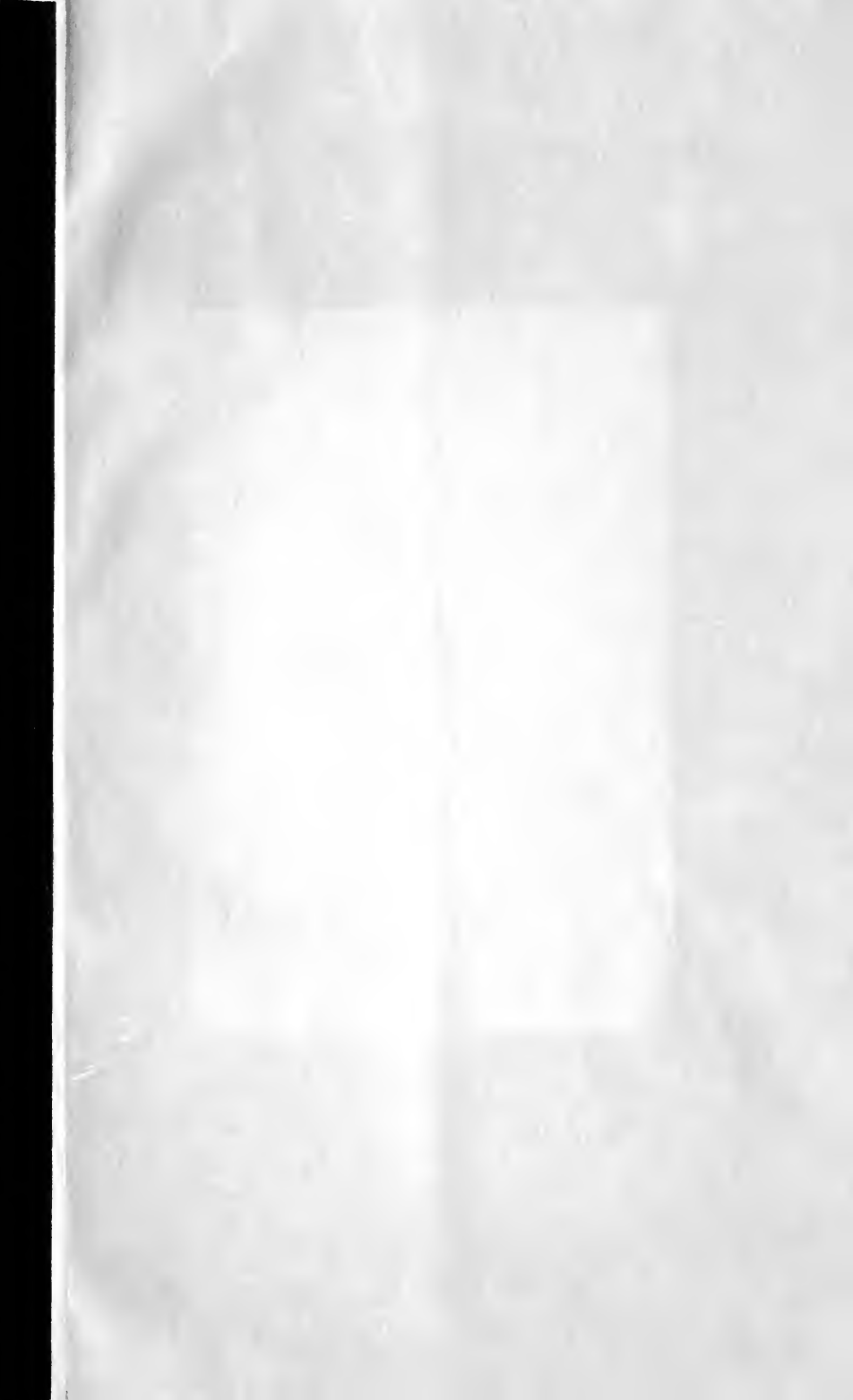
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Massachusetts Governor, 1861-1864  
" (John A. Andrew)

SENATE.....

.....No. 1.

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# ADDRESS

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OF

HIS EXCELLENCY

JOHN A. <sup>Union</sup> ANDREW, <sup>1818-1</sup>

TO THE

TWO BRANCHES

OF THE

Legislature of Massachusetts,

JANUARY 8, 1864.

RECEIVED  
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1864

TO VINT  
AMERICAN

# A D D R E S S .

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GENTLEMEN OF THE SENATE AND  
OF THE HOUSE OF REPRESENTATIVES :—

At the beginning of a year which opens full of Hope for our Country and for the cause of humanity succeeding one of great struggle but of unexampled moral and military progress, we cannot fail to remember the religious origin of our Commonwealth, nor to perceive in the workings of that experience by which we have been led through mutations of necessary trial up to the heights of many a victory, the ways of an Infinite Intelligence and Love.

The interest of a subject so fascinating to the imagination, so exciting to the intellect, and so winning to the heart, attracts us to the consideration of our political condition and National opportunities, illumined by a Celestial Light. But we can pause only for the moment, while we pay our vows at the altar of a new consecration, before we advance to the study of our more immediate tasks in the sphere of government.

I propose attempting to unfold in this Address, the external history (if I may so express it,) of the relation of our Commonwealth to the movements in which she has borne a part, and those material conditions to her future usefulness of which legislation can take cognizance.

### *Finances.*

The vigor of our fiscal condition is due to the fearless integrity with which preceding legislatures have regarded the financial wants and resources of the State. Adapting means to ends, they have taxed these resources sufficiently to create revenues adequate to our duties and necessities. It will become your office, gentlemen, with equal confidence in the intelligent patriotism of the people, in like manner to require such material contributions to the common treasury as the public good may require, with the least possible resort to permanent loans or any of the expedients of delay.

The receipts and payments of the State Treasury during the year 1863, have been as follows, viz. :—

#### RECEIPTS.

State Tax, 1862, . . . .	\$34,405 38
State Tax, 1863, . . . .	2,392,344 00
Bounty Tax, 1863, . . . .	3,324,274 74
<i>Amount carried forward, . . . .</i>	<hr/> \$5,751,024 12



<i>Amount brought forward,</i>	.	.	.	.	.	\$5,751,024	12
Bank Tax, 1863,	.	.	.	.	\$646,728	89	
Savings Bank Tax, 1863,	.	.	.	.	400,080	01	
Insurance Tax, 1863,	.	.	.	.	122,213	90	
							1,169,022 80
Other sources,	.	.	.	.	.	.	309,776 26
							<u>\$7,229,823 18</u>

## PAYMENTS.

Executive Department,	.	.	.	.	\$26,083	31	
Secretary's Department,	.	.	.	.	18,510	69	
Treasurer's Department,	.	.	.	.	8,666	06	
Auditor's Department,	.	.	.	.	7,082	72	
Attorney-General's Department,	.	.	.	.	16,344	92	
Bank Commissioners,	.	.	.	.	8,002	58	
Insurance Commissioners,	.	.	.	.	5,461	06	
Agricultural Department,	.	.	.	.	30,460	69	
Sergeant-at-Arms, &c.,	.	.	.	.	14,959	63	
Judiciary Department,	.	.	.	.	155,048	62	
Legislative Department,	.	.	.	.	162,377	14	
Adjutant-General's Department,	.	.	.	.	161,478	68	
State aid and Reimbursement of							
Bounties, &c.,	.	.	.	.	5,116,032	19	
Miscellaneous,	.	.	.	.	212,702	64	
Charitable,	.	.	.	.	293,663	94	
Correctional,	.	.	.	.	83,948	96	
Interest,	.	.	.	.	407,773	87	
							<u>\$6,728,597 70</u>
Surplus receipts,	.	.	.	.	.	.	\$501,225 48

*Back Bay Lands.*

The net proceeds of sales of the Back Bay lands during the past year, (419,269 sq. ft.) is \$857,925.23.

The total net amount from the beginning, (1,190,440 sq. ft.) is \$2,017,800.

There have been paid for educational purposes, and funded for the public schools, out of these proceeds, the following sums, viz. :—

INSTITUTION.	Amount of Grant.	Amount paid in 1863.	Total amount paid.
Museum of Comparative Zo- ology, . . . . .	\$100,000 00	\$67,135 33	\$87,792 33
Tufts College, . . . . .	50,000 00	37,606 00	50,000 00
Williams College, . . . . .	25,000 00	18,803 00	25,000 00
Amherst College, . . . . .	25,000 00	18,803 00	25,000 00
Wilbraham Academy, . . . . .	25,000 00	19,101 04	25,000 00
School Fund, . . . . .	—	279,457 88	297,079 80
	<hr/> \$225,000 00	<hr/> \$440,906 25	<hr/> \$509,872 13
There has been paid into the treasury, for redeeming land scrip, (in full,) . . . . .			220,000 00
There has been paid into the treasury, for redeeming public debt, (under chap. 235, Acts 1856,) . . . . .			300,000 00
			<hr/> \$1,029,872 13

The value of land unsold, but filled and the filling paid for, is estimated at \$1,500,000.

There remains less than \$13,000 to be paid the Museum of Comparative Zoölogy, to complete the grant of \$100,000 made to that institution. I trust that having wisely devoted to it a liberal sum, helping to establish one of the most celebrated museums of natural history in the world, the Commonwealth will with similar wisdom help to render it available for

the instruction of the people. Classes from the normal schools and advanced classes from other schools might derive the highest benefits from resorting to the Museum and studying the specimens, aided by the lectures of its distinguished head and his assistants. How to see, how to study, not merely how to learn by rote and others' thoughts, but how to think, and thus to contribute of ourselves to science and learning, is the grand problem of education.

The Boston Society of Natural History, having completed its new building on the land granted by the Commonwealth on the Back Bay, is now arranging its museum. A fresh impulse has been given to the society by its new accommodations, and much benefit may be expected to public education from its large and growing collections.

The Massachusetts Institute of Technology, having complied with the conditions of the Act allotting to its use a portion of the Back Bay lands, has commenced an edifice designed especially for the School of Industrial Science, which will accommodate the Museum of Arts and Manufactures until a building shall be erected at the western end of the assigned space corresponding to that of the Society of Natural History. The Institute has formally accepted the Act of the Legislature assigning to its use a portion of the fund

accruing from the Congressional grant of public lands for the benefit of agriculture and the mechanic arts. Beside its operations as a society of arts, the Institute is preparing to open courses of practical instruction and to begin the organization of its industrial museum. The liberality which has enabled it to pursue its plans of practical education is evidence of the wise foresight that accompanies the patriotic activity of the people, and is a guaranty of expanding usefulness.

*Military Bounties—State Aid.*

By chapter 91 of the Acts of 1862, the Governor was "authorized to offer and pay bounties, not exceeding the rate of \$50 each, to volunteers for the military service of the United States who may hereafter enlist and be duly mustered into the said service during the present war," and by chapter 254 of the Acts of 1863, passed at the extra Session, November 18th, the bounty was increased to \$325 in hand, or, at the election of the volunteer, \$50 in hand with a monthly pay or bounty of \$20 during the term of service, to be paid to each *volunteer* who has been or hereafter shall be mustered into the military service of the United States.

Drafted men are clearly not included in the provisions of either of these statutes. It has been con-

tended, however, that *substitutes* for drafted men, as being *volunteers*, are therefore within the terms of the statute, and although a strictly literal interpretation of the law might authorize the payment of this bounty to them, yet I have not thought that such was the true intent of the Act. I have been unwilling so to construe its provisions that a person who has declined to *volunteer* in his own behalf, but has reserved himself in order to *sell out* to some drafted citizen, should receive from the Commonwealth the bounty originally offered by her to the volunteer, but denied to the drafted man in whose shoes the substitute stands. Nor have I believed it to be politic to accord to that class of soldiers known as substitutes, a favor not granted to the citizen who obeyed the call of his country by rendering his own personal service when drafted. The statute alluded to *authorized* the Governor to pay such bounties, but did not make it *imperative* on him. I respectfully lay the matter before you for such action as may seem expedient.

Under this statute, another question has been frequently raised whether the Commonwealth could lawfully recognize *orders* given by volunteers to third parties prior to their own muster into the service of the United States. I have been unable to put such a construc-

tion upon this Act as to authorize me to recognize such orders. By the terms of the Act, the bounty is to be paid to volunteers who "shall enlist and be duly *mustered* into the military service of the United States," so that no man can lawfully be paid who is not *mustered*, and it is obvious that to accept such orders in advance of muster is, in effect, to pay the bounty prior to muster, thus creating the very mischief which, by making the muster-in a condition precedent to the payment of the bounty, the Legislature intended to avoid. It is evident that if a volunteer, having received an advance from a third party, on such an order, should subsequently repudiate his obligation, should desert, avoid or refuse muster, or should be rejected by the mustering officer when offered for muster, the paymaster, under such circumstances, would have no right to pay him, and the lender must sustain a loss; and if such advance had been made under the sanction or approval of the Governor, the lender would have just cause of complaint that such encouragement had tended to mislead him.

I am clearly of opinion that the provisions of the Legislature in this Act were, in this respect, prudent not less to prevent the fraud, oppression and cruelty practised upon recruits, than to prevent a wrongful depletion of the treasury of the Commonwealth. Not

only am I satisfied of the correctness of the conclusions which have been reached upon this subject and the principles they involve, but the experience of a few days only in the practical working of the system adopted, impressively illustrated the correctness of the position assumed.

In consequence of an order from the office of the Adjutant-General of the United States, dated November 27, 1863, providing that "All men who in future enlist into the regular army, under the late call of the President for troops, will be credited upon the quota of the district in which they enlist," I recommend that the various Acts providing for bounties, and also those in aid of the families of volunteers, be extended to meet the cases of persons enlisting as soldiers in the regular army and credited to this Commonwealth in the same manner as are the State volunteers.

I also respectfully recommend such a modification of the laws relating to State relief to the families of soldiers, as to include all such families, irrespective of their residence, and to authorize relief to be given retroactively when the situation of a family may require it. The not calling for State relief until necessity for it exists, ought to be rewarded, and not to be deemed a reason for its denial. The rise of prices and

of wages at home has put the soldiers already in the field under former calls, at a disadvantage. It bears heavily on their dependent relatives. And while the people feel themselves rich enough to offer large bounties to new volunteers, the relief laws for protection against want ought to be liberal in their terms, and liberal in their administration towards the families of these noble veterans who have borne and must still endure the brunt of war. Every case of reasonable expectation disappointed, is an injury to the general service. It weakens the confidence of many people, who, in humble life and narrow circumstances, cherish with even pathetic devotion the spirit of patriotism, and whose very remoteness from the possession of power renders them peculiarly sensitive to apparent injustice or want of consideration.

*Scrip—Interest.*

The last legislature at its special session made only temporary provision for the payment of the bounties to volunteers. It will be necessary to provide either by tax or by the sale of the scrip of the Commonwealth, for reimbursement of the sums borrowed for this purpose. I assume that a portion must be obtained by loan. The difference between the market value of scrip bearing interest payable in



coin, and that bearing interest payable in currency, is found not equivalent to the difference in the expense to the State of buying the gold with which the interest is paid. I therefore respectfully commend the subject to the attention of the Legislature. The faith of the State is pledged to the payment of interest on all outstanding bonds in coin, but no such pledge, express or implied, as yet attaches to future issues.

I also recommend the creation of a sinking fund for the redemption of all new securities which may be issued. With inconsiderable exceptions it has been the policy of the Commonwealth to accompany every issue of scrip with a sinking fund which should secure its redemption before maturity. This policy should not be departed from in any instance. And I have no doubt we shall maintain the credit of the Commonwealth unimpaired, even under the strain created by the exigencies of the war.

### *Reimbursement Bounty Act.*

By the Act of the legislature of last year, to provide for reimbursement of municipal bounties paid to volunteers, and to apportion and assess a tax therefor, (Acts of 1863, ch. 218,) provision was made for these objects, and returns were ordered to be made to me,

of bounties paid to volunteers mustered into the military service of the United States under the calls of July and August, 1862, which returns were to be made in the forms I should prescribe. In pursuance of the statute, I issued an order on the 13th of May last, directing such returns to be made, under oath, by the mayor and aldermen and city treasurer of each city, and the selectmen and town treasurer of every town. These returns were examined, compared and revised under my direction; and the amount to be reimbursed to each city or town was thus ascertained, amounting, in the aggregate, to \$3,418,640.50. By the provisions of the Act, reimbursement was limited to \$100 for each volunteer. Several towns had paid higher rates of bounty and therefore do not receive back the full amount which they have paid out. The whole amount of bounties paid was \$4,596,046.45; and the excess of \$1,177,405.95, is not provided for in the Act, and was not intended to be.

Under the provisions of the same Act, I certified the amounts of reimbursement to the treasurer of the Commonwealth and to the assessors of the several cities and towns, on the 12th day of August last. The treasurer apportioned the aggregate of the amount among the several cities and towns, in the same

manner as the aggregate of the annual State tax for the current year is apportioned, for the purpose of raising the same by taxation, or such other mode of payment as the towns and cities should elect under the statute. But in consequence of changes since the valuation of 1860, such assessment does not produce the amount required, and there is a deficiency of \$4,888.67 which must be provided for by a specific appropriation. The tax assessed agreeably to the terms of the statute, and according to the valuation of 1860, falls short, as every State tax since 1861 has done, by the sum of \$1.43 in every \$1,000, the tax to reimburse \$3,418,640.50, producing only \$3,413,751.83.

The errors in computing the State tax, as the laws now exist, arise from the following causes. A rate of taxation was fixed for every town and city in the Commonwealth, by the valuation committee of 1860. The Act of 1861, chapter 110, following the tables prepared by the committee, required each town or city to pay a certain sum for every thousand dollars of State tax that should be raised. These rates were, by the same statute, required to remain in force for ten years. By the transfer of Pawtucket to Rhode Island a deficiency was created of \$2.37 in every \$1,000. By chapter 211 of the Acts of 1861 the ratio of North Reading was changed from \$2.12 to

\$0.66, causing a loss of \$1.46 in every \$1,000. By chapter 132 of the Acts of 1862 the ratio of Seekonk was changed from \$1.57 to \$0.56, causing a loss of \$1.01 in every \$1,000. And by chapter 66 of the Acts of 1863 the ratio of Halifax was changed from \$0.45 to \$0.40, causing a loss of \$0.05 in every \$1,000. There was also an error in addition for Franklin County, causing a deficiency of \$0.01 in every \$1,000. The ratio of Fall River was raised by chapter 132 of the Acts of 1862; and there was an error of \$1.25 in the addition for Middlesex County. The latter two variations tend to increase the aggregate, but they are insufficient to compensate for the opposite alterations before mentioned; and there is still a deficiency of \$1.43 in every \$1,000 of State tax that is raised, which will recur in every State tax until correction is applied.

These errors arose from making partial changes in favor of individual towns, without making corresponding *general* changes in regard to the whole basis of apportionment, and also by omission to provide for the losses by the transfer of Pawtucket to Rhode Island and by the error in addition for Franklin County. The remedy will be, a revision of the schedule established as the basis of apportionment by chapter 110 of the Acts of 1861, and the passage of

an Act corresponding to such revision, so that the aggregate of amounts to be paid by each town and city upon every \$1,000 of State tax, shall amount in full to \$1,000. After that is done, no change should be made in favor of any individual town without making a corresponding revision of the schedule in order to provide for the deficiency. Such revision, however, will not supply the deficiency which has occurred under the Act respecting the reimbursement of bounties; and a specific appropriation, as before stated, will be necessary to make up the balance of that reimbursement.

*Troy and Greenfield Railroad, and Hoosac Tunnel.*

The enterprise of constructing the Hoosac Tunnel is in vigorous progress, under the management of its able and experienced Commissioners. The construction of the road lying east of the mountain, of which the eastern terminus is in Greenfield, is not yet resumed. Certain questions of title, springing from what is called "The Smith Mortgage," seemed to render it improper that the Governor and Council should assume that responsibility in advance of judicial determination. The Attorney-General of the Commonwealth was charged with instituting proceedings to bring these questions before the Supreme

Judicial Court for adjudication, and I am advised by him that measures are in progress to accomplish that end.

A Report has been made by the Commissioners to the Governor and Council, bringing down to the close of the last calendar year an account of their doings and expenditures. This document, with various legal opinions in writing, and the record of the proceedings of the Governor and Council in relation to the Railroad and the Tunnel, may all be important for consultation, should the Legislature find occasion to consider any matter pertaining to the enterprise, or should any new legislation be invoked concerning it. I think that a Committee of the Legislature ought annually to examine the progress of the work, the reports made to the Executive Department, and the contracts authorized, so as to understand the general economy of the management. But I do not think that either economy or efficiency requires, or is even consistent with, annually publishing the precise measures planned by the Commissioners. To do so would sometimes be fatal or injurious to their success.

Warrants have been ordered, during the past year, for the payment of \$21,993.49 in liquidation of land damages, and \$153,006.51 in liquidation of claims against H. Haupt & Company for materials, service

and labor, which were presented before the Commissioners and allowed by them under the Act of 1862. These amounts represented indebtedness incurred under the former management, all of which, except the land damage claims, ought to have been paid out of means afforded by the scrip of the Commonwealth heretofore issued. These payments are therefore in the nature of a second payment for the same thing.

The progress during the year 1863, is rather in preparation than in construction. But a large force—of about 350 men—is now employed, and the work is fully begun.

The payments from the Treasury on account of the Tunnel, for expenditures incident to the business of the last year, and to meet expenses of the year 1862, are \$53,503.06. Of this sum, \$40,000 were placed in the hands of the Commissioners for disbursement, pursuant to the statute of 1863.

The expenditure the Tunnel will require during the current year, is estimated by the Commissioners at \$300,000.

The original Tunnel Loan provided for, was \$2,000,000. Its un-issued balance being \$1,211,000, was by the Act of 1863, chap. 214, appropriated to the execution of the work under the new system

of direct State supervision, originating in the Legislature of 1862. To the payments during the past year, already mentioned, there is to be added the interest paid on scrip. The scrip issued in 1863, was \$209,000.

### *Harbors and Flats.*

The preliminary surveys of Boston Harbor, prosecuted under the direction of the Commissioners of the Coast Survey on the part of the United States, have been completed. The results are nearly in a condition to be reported. In the meantime measures are in progress to ascertain the course to be recommended for the management and disposal of the Flats belonging to the Commonwealth, between South Boston and the channel, and also for the preservation of the Harbor of Boston. The Commonwealth Commissioners on Harbors and Flats hope to be able to make an early report thereon to the present Legislature. In the meantime I am advised by their Chairman that by communications from the United States Commissioners, they are warranted in urging attention to the importance of some immediate action to protect the outer harbor of Boston from the constant and rapid action of the winds and waves upon the islands forming its outer barriers,



which threatens, if not soon arrested, to cause irreparable injury. From the high character of the Commission which has had this subject under consideration on the part of the United States, and from the urgency of the measure in their judgment, the Commonwealth's Commissioners have deemed it their duty to make this communication to myself in advance of a more extended report upon the subjects referred to them. I commend to the General Court, not only this most commanding subject of the harbor of Boston, but also the scheme of reclaiming the flats in Boston Harbor, which, as related to the treasury of the State and the business of the people, is of the first importance.

*Pleuro-Pneumonia.*

I have the honor to communicate to the Legislature a Report of the late Commissioners on contagious diseases of cattle; also, a report made to me by a gentleman who was authorized under chapter 75 of the Resolves of 1863, "to make experiments on Pleuro-Pneumonia among cattle so far as it relates to the laws of transmission"; also, a communication from the Secretary of the Board of Agriculture, presenting with great force of argument and with much evidence, his views of the importance of thorough and

immediate treatment, in order to eradicate the disease from the Commonwealth. This supposed contagion has also been made matter of personal communication to the Executive Department by numbers of eminent farmers. I have thought it my duty, therefore, to place the documents alluded to in immediate possession of the General Court, respectfully invoking their earnest and intelligent consideration of the subject.

*Tax on Non-resident Stockholders in Massachusetts Corporations.*

“An Act to levy a tax on the stock of corporations held by persons whose residence is out of the Commonwealth,” was adopted by the last General Court, to which it becomes important that further consideration should be extended. My attention has been especially attracted to this statute by friendly remonstrances which have reached the Executive Department from those authorized to represent the people of other States, as well as by suggestions from other sources, not addressed to myself either officially or personally, of retaliatory legislation.

While I do not overlook the abuses which this Act was intended to prevent, I am bound to suggest the inquiry, whether its probable advantages will compensate its tendency to prevent investments of foreign

capital in Massachusetts, to invite disproportionate taxation of Massachusetts capital invested in other States, and to alienate the feelings of our neighbors, creating hostility of sentiment towards our Commonwealth. Having officially participated in giving to this measure the force of law, I am the more obliged to recommend its re-examination.

Whether it bears upon property owned here by citizens of other States, or by people of foreign countries, the reasons of policy which affect our opinion of this Act, differ perhaps sometimes in degree, but not in their kind. While difference in degree alone, on a question of mere public expediency, may be sufficiently decisive to produce a difference of conclusion, I freely confess that I do not perceive in the present instance a difference so decisive. There remains, however, the graver objection of its doubtful constitutionality. The second section of the fourth article of the Federal Constitution declares that "the citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States," and immunity or exemption from higher taxes or impositions than are paid by citizens of the State by which they are levied or imposed, is one of the classes of privilege or immunity which have been judicially enumerated as

within the category intended by that clause of the Constitution. This provision is held by constitutional jurists to include all those privileges and immunities which are in their nature fundamental, belonging of right to the citizens of all free governments. Such are the right to the protection of life and liberty, the right to acquire and enjoy property, and to pay no higher impositions than other citizens.

The Constitution of Massachusetts, (Chapter 1, Section 1, Article 4,) gives power and authority

“To the General Court, to impose and levy proportional and reasonable assessments, rates and taxes, upon all the inhabitants of, and persons resident, and estates lying, within the said Commonwealth ; and also to impose and levy reasonable duties and excises upon any produce, goods, wares, merchandise, and commodities whatsoever, brought into, produced, manufactured or being within the same.”

The same article further prescribes that

“In order that such assessments may be made with equality, there shall be a valuation of estates within the Commonwealth, taken anew once in every ten years.”

The first section of the statute in question requires every corporation paying dividends, to reserve from each and every dividend one-fifteenth part of that portion due and payable to its stockholders residing out of the Commonwealth, and to pay it “as a tax or

excise on such estate or commodity." The words "estate or commodity" are understood to apply to these dividends. Thus the tax or excise is laid on certain "dividends" denominated "estates or commodities." And it is laid on the dividends due and payable by the same corporation to some of its stockholders, but not on those due to other stockholders. Were the statute to make such a discrimination between stockholders residing in Massachusetts, as for example that Berkshire stockholders should be subject to the tax or excise, while Nantucket should be exempt from it, no one would doubt that the statute was in collision with the principles of the Constitution. It would be held on all hands neither "reasonable" nor "proportional," and the assessment not "made with equality." But the Constitution not only requires that "assessments, rates and taxes" shall be "proportional and reasonable," and "made with equality" "upon all the inhabitants and persons resident," but also upon "estates lying" within the Commonwealth.

"Taxes" on "estates," therefore, must be "proportional" and "made with equality," as well as taxes upon "inhabitants" and "persons resident." So that if these dividends are "estates," then the tax on them is unconstitutional, because laid unequally; i. e., not laid on all the shares of the same corporation. But the

statute also calls the payment it demands, an “excise,” or rather, calls it a “*tax* or *excise*,” in the alternative. So in like manner it calls the thing taxed an “*estate* or *commodity*,” in the alternative. It may be contended, then, that if as a *tax* it is unconstitutionally laid on an *estate*, yet, as an *excise* it is constitutionally laid on a *commodity*. But it could not be thought reasonable that if one *inhabitant* produced, manufactured, or brought a commodity into the Commonwealth, it should be subject to an excise, while if the same thing were done by another inhabitant, it should escape the excise — save in those cases where, as a police regulation, to preserve order, prevent abuse, and protect society itself, individuals, with a view to the public good, are selected to be licensed or permitted to keep, vend or use certain commodities, subject to the burden of a reasonable imposition. And, while the citizens of other States have the same “immunities” enjoyed by those of our own State, I think the argument equally strong, if instead of using the word “inhabitant,” I had used the phrase “citizen of any State.”

It will be noticed that in the Constitution “*excises*,” are mentioned in immediate connection with “*duties*,” and that the same provision as to their reasonableness is made concerning both, and in the same sentence.

While "duties" was probably used in the sense of an imposition on imports and exports, "excises" was the term probably used to define an inland imposition, which is sometimes laid upon the consumption of a commodity, and frequently upon its retail sale which is the last stage before consumption. Both these terms apply to things in the nature of "goods and produce, wares, merchandise, and commodities brought into, produced, manufactured, or being within" the Commonwealth.

The term "commodities" is plainly intended, I think, to cover all of the "commodious," that is to say, useful or convenient, things of the same general description as goods, wares, and merchandise, which are capable of production, manufacture, transportation or of existence, either brought into the State or to be found within it. But a dividend cannot be such a commodity. A dividend due from a company to a shareholder is an incorporeal interest in profits, or a right in action for money belonging to the owner of that species of incorporeal property known as stock or shares in a corporation. In a word, the corporation, as an artificial person, owes certain profits or earnings to its shareholders, which they have a right to demand and receive. Our statute taxes the right. Can Massachusetts lay a tax on just demands of creditors

who are citizens of other States, against her own inhabitants, not laid on similar demands of her own citizens? If she can, then the citizens of Massachusetts possess an "immunity," in spite of the Federal Constitution, not shared with them by citizens of other States.

The exercise of the power of levying duties and excises has been held to include the imposition of an excise upon certain sources of emolument and profit, not strictly called property, but which are rather to be considered as the means of acquiring property, as for example, the privilege of using particular branches of business, like those of attorney, auctioneer, or innholder. So, also, it includes the franchise of a corporation. In these instances, the convenience, privilege or franchise is deemed to be a "commodity" within the meaning of the Constitution. But in like manner it has been also determined that such taxes must undoubtedly be equal, in the sense of operating upon all persons exercising the convenience, privilege, franchise, or commodity, so taxed. It is contrary to the principles of natural justice to make an arbitrary discrimination between citizens or subjects, not founded in the reason of the thing; and an excise laid in disregard of those



principles, would be *unreasonable*, within the meaning of the Constitution.

*State Charitable and Correctional Institutions.*

The Board of State Charities constituted in obedience to an Act of the last General Court, was inaugurated on the first day of October. It is required, among other things, to investigate and supervise the whole system of the public Charitable and Correctional Institutions of the Commonwealth, and to recommend whatever changes or provisions it may deem necessary for their economical and efficient administration. The law establishing this Board, to a portion only of whose duties I have alluded, was the result of great deliberation and matured reflection by two succeeding Legislatures. I venture therefore to express the opinion that a fair opportunity to test its working ought to be allowed, and that existing legislation concerning the Institutions in question should remain undisturbed until the Board shall have had the term of at least one full year within which to pursue its inquiries and report its own recommendations. Although I have enjoyed the means of sharing as an executive officer in the results of its observations, I think it my own duty to forbear comment at the present time on any portion of that general subject

especially committed to the oversight of the Board. When it shall have prepared those full and complete reports contemplated by the Act, it may be important that the General Court, and the Chief Executive Magistrate for the time being, should engage in the discussion.

One piece of legislation, however, adopted the last year, deserves immediate attention. It is that which forbids the commitment to the Reform School, of any boy below the age of eleven years. So long as boys less than eleven years old are deemed capable in law of the commission of crime, I respectfully submit that it is the duty of lawgivers to provide for them a punishment better fitted to their tender age than imprisonment in Jail or House of Correction.

I dismiss this topic, presenting with this Address a Report to the Governor and Council, made by Hon. Alfred Hitchcock, in his capacity of a Councillor and also a member of the Special Commission on Lunacy appointed under chapter 91 of the Resolves of 1863, on the subject of a Hospital for the curative treatment of Inebriates. I earnestly invoke for this eloquent and ably reasoned document on a subject too long neglected, the attention of the General Court.

I have on former occasions alluded to the absence of uniformity in the government, economy and discipline of our penal institutions, and to a fact, somewhat remarkable, that while a man may be sentenced to the State Prison, where he would be under the immediate guardianship of officers and inspectors appointed by and responsible directly to the Commonwealth, he may also for the very same offence, at the discretion of the same judge, be sent to the House of Correction, where, though convicted and punished for breaking the laws of the State, he would be governed and disciplined wholly by officers over whom the Commonwealth exerts no control. I respectfully submit that abdicating this control does not discharge the responsibility of the Commonwealth; and I trust that the condition of our county prisons and prisoners, and the character of their discipline and treatment, will receive the faithful attention of the General Court.

### *Education of Deaf Mutes.*

The amount annually appropriated for the support of indigent pupils at the American Asylum, at Hartford, for the deaf and dumb, has for several years fallen short of what is required. The number of our State pupils is eighty-eight, of whom seventy-one have

been under instruction for one year and upwards, and seventeen were introduced last year. Many deserving cases have, for want of vacancies, been postponed from year to year, until last summer I found it imperative that the number of State pupils should be increased. I accordingly issued warrants for the admission of eight pupils in addition to the number (80) which has been the average for the past few years. Even with this number of admissions I have been obliged to postpone a few deserving cases until another year. The eight I could not in conscience postpone until another September, which is the month in which the school year begins; and I am sure that all the members of the General Court would have concurred in my disposition of each case, had they been present to examine it.

The present appropriation of \$8,500 per year was established in 1847. An average of ninety pupils now, bears no larger proportion to our population, than the average of seventy-five did to the population at the time when the present rate of appropriation was adopted. Notice has also been received from the Trustees of the Asylum that, owing to the increased expenses of living, an annual additional charge will hereafter be made of \$25 for each pupil, making the annual amount paid by the State for its beneficiaries,

\$125 each. I therefore recommend an increase in the annual appropriation.

The Governor and Council have not failed, during the term of my connection with this department, annually to visit the Asylum. We have found no charity more grateful, certainly none more useful. The introduction of the light of knowledge into the minds of youth, once deprived of the delights of learning, the enjoyments and uses of cultivated and instructed reason, is one of the triumphs of philanthropic enterprise, and one of the blessings of our age.

It is usually impossible to send a child under the age of ten years to the American Asylum. The postponement of all effort to teach deaf mute children until an age so much later than that at which other children are taught, is an additional disadvantage, aggravating their original burden. A society has been formed in Boston, establishing a school and a church, maintained by private liberality, with special reference to the condition of children not congenitally deaf, but made so by disease, who are taught according to the German method, and though deaf, learn to articulate. I beg your attention, gentlemen, to this experiment. By judicious fostering it may open the way of knowl-

edge even to our younger unfortunates ; and it may open it a little wider to all of them.

*Hospital for Invalid Soldiers.*

I am happy to inform the Legislature that there is now a reasonable hope of a United States General Hospital in this Commonwealth, to which our sick and wounded soldiers, invalided in other States, may be transferred. On the recommendation of the Medical Director of the Military Department of the East, who was specially detailed by the Acting Surgeon-General of the United States to visit the State for this purpose, and in accordance with my own views and with the suggestion of the Head of our own Medical Department, it is expected that Worcester will be selected by the proper authorities as its locality. I have sent to the Secretary of War, through our State Military Agent, documents bearing the signatures not only of the Surgeon-General and myself, but also of all the Senators and Representatives of Massachusetts in the present Congress, urging the importance of this measure, for its influence on the health and comfort of our soldiers and the convenience and satisfaction of their friends, and also as needed to avoid future embarrassments contingent upon the want of a large General Hospital. A

salubrious location, with the cheerful influence of rural scenery, and at a point where railroad facilities centre, is not only desirable in a sanitary point of view, but for the convenience of the friends of the soldiers.

I refer you to the report of the faithful and able Surgeon-General of the Commonwealth, which will be presented hereafter, for other interesting particulars connected with the service, pertaining to his department. Special details have been made during the past year, of some of our most eminent medical men, to examine and report upon the condition of our Massachusetts soldiers, invalided in the Departments of the West, South, Gulf, and the Army of the Potomac. Their visits have had a salutary influence, assuring our brave men that their comfort and welfare are not forgotten by the State, cheering them with kindly words and deeds of encouragement, besides furnishing the proper departments with correct information useful to the service and grateful to the families and friends of the absent soldier.

To the Medical Commission of the Commonwealth, for their voluntary and important duties as a Board of Examining Surgeons of candidates for our Medical Staff, the Commonwealth is under new obligation, and I offer to them the grateful thanks of the State

for assistance always rendered whenever occasion has required, in the spirit of a liberal profession.

With the ready coöperation of the executive officer of the Lovell United States General Hospital, at Portsmouth Grove, Rhode Island, I was enabled by an application to the Secretary of War, to procure for all Massachusetts men who were patients in that hospital and deemed fit to travel, the indulgence of a furlough for seven days on the occasion of our National and State Thanksgiving, to enable them to enjoy its festivities amid the delights of home. I have the pride to declare that of the two hundred and eighty-one men thus receiving furloughs, all but one returned, keeping their manly faith in a manly way; while that one, delaying his return a few days, reported himself to the Provost-Marshal of his district, and received transportation as a "straggler," not as a "deserter." The condition in which they returned was such as to draw from the executive officer in charge of the hospital an expression highly honorable to our men.

*Soldiers' National Cemetery at Gettysburg, Pa.*

The soldiers who fell in the battles of Gettysburg, on the 2d, 3d, and 4th days of July, baptizing with their blood the ground their valor rendered immortal, are



now commemorated by a National Cemetery, where they repose in becoming interment. This field of glory and cemetery of the brave, was solemnly dedicated, on the 19th of November, by a National ceremony at which the President of the United States personally assisted. Uniting with the Governors of the other loyal States of the Union, I caused Massachusetts to be represented by several gentlemen acting as Commissioners of the Commonwealth. Their Report I have the honor to communicate to the Legislature. Preserving an authentic record of ceremonies attending the consecration of a battle-ground where Northern valor saved our government and preserved our liberties, this Report deserves an honorable place in the archives of the Commonwealth.

Application will be made to the Legislature of Pennsylvania for an Act of Incorporation of the Trustees of the Soldiers' Cemetery at Gettysburg. I have accordingly nominated a gentleman to represent the interest of Massachusetts, whose name will be included in the Act of Incorporation. The estimated expenses of finishing the Cemetery are \$63,500, to be divided among the States in the ratio of their representation in Congress. The proportion of Massachusetts will be \$4,205.30. In order

that this Commonwealth may sustain her share of this expense an appropriation will be necessary. I submit the Report of the gentleman named to be a Trustee on the part of Massachusetts, in which the particulars needed for the information of the General Court are properly stated.

A committee of the City Council, was raised through the effort of His Honor the Mayor, to take charge of the sepulture of those soldiers who were citizens of Boston. I transmit, as a part of the record, their Report, a copy of which I have had the honor to receive. This committee and the Commissioners of the Commonwealth so coöperated that without local discriminations between the Massachusetts dead, the remains of all were alike cared for.

### *The Defences of our Coast.*

On March 30th an Act was passed appropriating a million dollars for the defence of the coast of Massachusetts and investing the Governor and Council with a wide discretion in its expenditure. A letter addressed to me in October, 1861, by the Federal Secretary of State, which was communicated by me to the General Court of the next year, had given assurances of reimbursement by Congress of amounts to be expended by the States for that purpose, provided such

expenditures should be the subject of conference with the Federal Government, and should be made with its concurrence. Immediately on the passage of the Act measures were taken, therefore, to learn the views of the Federal Government as to what objects our money could be best applied ; and the opinions of many of its principal officers, including those of Chiefs of Bureaus in the Departments of War and the Navy, of the Secretaries of both Departments, and of the President himself, were obtained. These opinions were not unanimous, and except by way of suggestion afforded no guide to a correct decision. But reflecting on facts known to us as to the defenceless condition of the coast, and applying to them these opinions and others gathered from engineer and ordnance officers of high distinction, two objects seemed specially worthy of attention ; first, the maturing of a plan for obstructing the harbor of Boston against naval attack, so that at the moment of danger there might not be conflict of counsel as to the plan to be adopted ; and, second, the procuring of approved heavy ordnance for our forts from whatever sources it should be obtainable in addition to those sources employed by the United States with whose contracts it is not our policy to interfere by competition. These objects have been pursued with all possible energy and diligence,

and with a satisfactory degree of success. A plan of admirable skill and completeness has been prepared for obstructing harbors against hostile fleets, however powerful. It is the work of an informal Commission, composed of gentlemen combining a warm interest in the subject, and large experience in navigation, with the advantage of much study of the general question, and special scientific attainments. Their report and plans were referred to the Chief Engineer, by whom they were reconsidered, and the whole work was reproduced in the form of careful specifications and working drawings, ready for immediate use at a moment's call. The forts of Boston Harbor, also, have been placed in telegraphic communication with each other, and with the city. I do not propose to make a further statement of details, since publicity is not consistent with the interests of the Commonwealth, but I respectfully suggest that the whole subject be referred to an appropriate committee.

During the last year, the Federal Government has been encouraged to additional efforts for the protection of the coast. Beside important progress in the construction and armament of the masonry forts at Boston and New Bedford, earthworks have been designed, and some of them completed, for the defence of New-

buryport, Gloucester, Salem, Marblehead and Plymouth. Very little, however, has been done to guard Provincetown and the settlements along the Cape and on the neighboring islands, and also the important commerce of the adjoining waters, and I respectfully suggest the defenceless condition of that neighborhood for your consideration. An appropriation has been made by Congress for beginning a fort at Provincetown, and surveys for the purpose have been had; but for the present, adequate protection of that important harbor from attack, and of the waters on our southern shore from incursion and ravage such as was once during the year committed in the Vineyard Sound, can be rendered only by the constant presence of a naval force which it is desirable that the Federal Government should afford.

The Act of March 30th, besides making an appropriation in behalf of the State, provided for appropriations by municipal governments, with the expectation of reimbursement from the State Treasury. These have been made by some towns and cities to secure the necessary number of laborers at the current rates of wages, upon the earthworks constructing at their ports, the Federal officers having the works in charge declining to offer a rate of pay to laborers, higher than a dollar and a quarter per day. The propriety

of refunding the sums thus advanced will meet your consideration.

At every stage of the investigation which now for nearly three years I have been pursuing into the subject of our defences against naval attack, the deficiency in our means of obtaining a sufficient supply of heavy ordnance has caused my chief anxiety. Massachusetts contains ample beds of iron ore of a superior quality for gun metal. No other Commonwealth possesses in higher degree all the elements of scientific and mechanical ingenuity necessary to the manufacture. There is no deficiency of private capital seeking investment. But thus far, the Federal Government, while absorbing the entire product of all existing Massachusetts gun-foundries, has failed to induce the investment of private capital in additional foundries. Nor is this surprising, for the amount of capital required to construct mechanical establishments complete enough to cast and finish the heavy cannon which we need, is rarely within the measure of the means of individuals, and the continuance in employment of such establishments once constructed, would depend upon the regularity of appropriations by the National Congress. Indeed, the Federal Government would be the only domestic customer of such foundries, with no competitors

except foreign governments. The building of the foundries would involve also the investment of more capital in furnaces in the mining districts, to supply the iron. A trade so grand, in which nations appear as the sole customers, and which concerns so closely the honor of our flag and the security of our borders and our marine, is worthy of the most serious attention if by any legislative action it can be encouraged. I have long been satisfied that the objects we desire can best be effected by building a great National foundry. I respectfully commend the subject to your investigation, and if the project shall commend itself also to your judgment, I believe that a formal expression of opinion by the Government of Massachusetts in favor of such a work, might encourage the National Congress to authorize it.

Standing for a long time during the past year on the apparent brink of war with powerful naval States of Europe, the rebels even at this moment being restrained, almost against expectation, from launching out of foreign ports their mailed war steamers built expressly to carry destruction to the commerce and the seaports of the North ; with all the dangers hourly besetting us, which spring from the unsettled condition of Europe, the French invasion of Mexico, and the sympathy of powerful persons and rulers abroad

with the rebellion at home—I am firmly convinced that ordinary prudence demands of Massachusetts never to rest until her harbors shall be adequately defended.

*Arms and Equipments for the Militia.*

The 29th chapter of the Resolves of 1863, authorized the Executive Department to contract on behalf of the Commonwealth for the purchase or manufacture of fifteen thousand stand of arms, of such pattern as should be found best adapted for the service ; also of arms and equipments for one regiment of cavalry ; guns and equipments for five batteries of light artillery ; and such other arms and equipments as should from time to time be found necessary for arming the militia in active service. The resolve appropriates \$450,000 for those purposes.

The sources of supply, whether by purchase or manufacture, have been made the subject of careful examination and report. The kinds of arms best adapted to the various branches of the service, were, in the light of recent experience, considered and reported on, by competent military men. Wherever different arms of the same general description were offered in competition, they were submitted to the test of critical comparison by a Commission of experts.



All the arms and artillery required were accordingly contracted for, and are in process of construction and delivery. The amount disbursed already in payments is about fifty thousand dollars. The contracts entered into will nearly, or quite, absorb the whole appropriation. Certain articles of equipment have not been passed upon, because improvements in their construction are under consideration by the appropriate officers of the U. S. Army, whose decision it was thought advisable to await, especially as the articles can be procured on short orders when necessary. To complete the duty assigned to the Executive by the Legislature, will require a further appropriation of about \$50,000.

In order that no injurious delay shall happen, I have requested the Master of Ordnance, in advance of his regular Annual Report which will be communicated, through the Adjutant-General, to report to me in detail, all the particulars necessary to a competent understanding of this portion of the transactions passing through his bureau; and this preliminary report is now ready for the use of any committee of the General Court to which the subject may be intrusted.

*Military Academy.*

I shall have the honor immediately to place before the Legislature the Report of the Commissioners appointed under the 73d chapter of the Resolves of the year 1863, "concerning the establishment of a military academy."

The Commission was directed by the resolve to inquire into the expediency of establishing an academy for the instruction of young men in mathematics, civil, military, and practical engineering, and other studies in connection with infantry, artillery and cavalry drill and tactics, and to report a design for such an institution, the mode of establishing the same, the expense thereof, a plan for its support, the number of pupils to be accommodated, their age at entering the institution, the amount of camp duty, the length of the academic course, what provision should be made for the support of the pupils, and the equivalent to be rendered therefor; and whether the Commonwealth has any, and what, property available for the endowment of such an institution.

The eminent character of the Commission, the learning, experience and ability, both civil and military, represented by its members, and the relations which all of them have heretofore borne to education and its various public institutions, I think entitle their

opinions to the most respectful consideration, and lend influence to the arguments to which their minds have yielded assent.

I believe the establishment under the patronage of the Commonwealth, of such an institution as they recommend, to be wise and expedient, that we cannot safely neglect it, and that we ought not to delay it. I believe its influence upon the public school system, or the popular education, correctly administered, will fully compensate the expenditure it may involve. Invoking the attention of the General Court to the Report itself, I will not assume to display it in advance of your own reading. The advantages of an institution like that contemplated, in its more direct and immediate bearing on the military efficiency of the State, is not easily overstated. Yet these advantages are to be gained in close and natural connection with large and constant benefits which include not only the elevation of the public schools, but also the scientific professions—the higher industrial pursuits. The education of numbers of young men of this Commonwealth, not, however, excluding others who may resort hither to share their studies, in those branches of learning which fit them for mechanics, engineers, experts in chemistry, physics, and various applications of science to the arts, will, it is not

unlikely, be associated with a Military Academy. And, from a conviction so deep that I would all men in the Commonwealth might share in it, I hope I may be permitted to allude to what I pronounced from this place one year ago, in connection with the subject of an agricultural college, that the one great and commanding duty and capability of our Commonwealth—her way to unchallenged influence and admiration among the States—is the discovering, unfolding, and teaching the secrets of knowledge, and their scientific application to the arts of civilized humanity.

A most emphatic illustration of the power communicated to the world by the combination of science and industry is found in the single fact that the employment of steam was estimated ten years ago, to have added to the industrial efficiency of the British Islands alone, a power equal to the united forces of 600,000,000 men. Every locomotive steam-engine of fifteen tons on our own railroads does the work of fifteen hundred men ; and our larger locomotives furnish the equivalent of three thousand men. While, therefore, I would not diminish by one spark the zeal of the people for the military service, nor underrate the value of strictly military education, both as a means of preventing war and of successfully encountering its

shock, I beg respectfully to remind you, as an additional argument in favor of an academy, of the incidental advantages to our peaceful industry and to the education of the people, to be derived from a proper cultivation, generously maintained, of those branches of science indispensable in modern times to the Art of War.

*The Soldiers Contributed by Massachusetts.*

South Carolina adopted her pretended ordinance of secession in the month of December, 1860. The first overt act of war, committed in pursuance of the treasonable conspiracy of which the ordinance of secession was the formal beginning, was the firing on the Star of the West, a national transport laden with men and supplies for the garrison in Charleston harbor. The date of the ordinance was the 20th day of December, 1860. The Star of the West was attacked the 9th day of January, 1861. But the beginning of the War of the Rebellion is dated from the 12th day of April, 1861, that being the day when, after long and uninterrupted preparation, the batteries of the Rebels opened upon Fort Sumter.

On the 15th day of April the War Department called upon this State for two regiments of militia, and on the next day the call was enlarged to a

requisition for four regiments. On the 16th, the Sixth Regiment of Massachusetts Volunteer Militia marched for Washington by railroad, and two others, the Third and Fourth, moved by sea. On the 18th, the Eighth Regiment marched under General Butler; and on the 19th, the Fifth Regiment of Infantry and Cook's Battery of Light Artillery were put under marching orders, which were executed on the 20th. The Third Battalion of Rifles, under Major (now Brigadier-General) Devens, followed them on the 1st of May. Thus rapidly and efficiently was the call of the government responded to, and the capital of the nation, and Fortress Monroe, which was of far greater military value than Washington, were rescued from imminent danger, at a period when the consequences of a lifetime were crowded upon the efforts of an hour. The number of troops thus furnished by Massachusetts for three months' service, was 3,736.

On the 3d of May, 1861, the President called for a force of volunteers to serve for three years, or during the war, of which force Massachusetts was at first asked to furnish three regiments. This number was, by much persuasion on my own part, increased to six; after which, by the efforts of the friends of the lamented Colonel Webster, it was again increased

to seven. On the 17th day of June, 1861, ten more regiments having been offered by Massachusetts to be raised for the three years' service, were accepted by the Department of War. Marching at various intervals between the 30th day of July and the 8th of October, both inclusive, they were all put into the field, fully armed, equipped, and supplied by this Commonwealth. In the designation of these corps of three years volunteers the numbers borne by the five regiments of Massachusetts Militia in the three months' service were always omitted; so that the infantry regiments of Massachusetts when enumerated in consecutive order, including militia and volunteers in one series, numbered in all on the 8th October, 1861, 22 regiments which had taken the field. Added to these were the battalion of riflemen and one battery of light artillery in the three months' service, and two companies of sharpshooters and three batteries of light artillery enlisted for three years, which had marched from the Commonwealth before that date. This contribution to the National forces was enlarged subsequently by voluntary enlistments, and by the formation, within the next eight months, of voluntary organizations to the number of ten more regiments and eight more companies of all arms of the

service. So far from leaving any requisition unfilled, this Commonwealth was urgently pressing on the Federal Government during a large part of the first year of the rebellion, for permission to extend her military contingents. During the whole of the month of May, 1861, and until the 17th day of June, we were embarrassed by having several thousand troops under arms in the State, which the Federal Government was unwilling to accept. I had from the beginning considered that the exigencies of the war would require a much larger force of volunteers than the 42,000 called for by the President in his proclamation of May 3d, and accordingly neglected no opportunity to secure enlistments during that period of excitement. It was with great embarrassment that I learned that the Federal Administration did not entertain the same views and refused to accept more than six three years regiments from this State, although a much larger proportion was conceded to the State of New York. Late in May, I was advised officially from the Department of War that it was "important to reduce rather than enlarge this number," and "if more were already called for, to reduce the number by discharge," and earlier in the month I had been warned that the administration was getting more men than were wanted. We were therefore



under responsibility to men who had been encouraged to take up arms to the number of several thousands more than the Federal Administration could be persuaded to receive ; and, after forcing all I could upon the General Government, and availing myself to the extremest limit of the provisions of the Encampment Law of the State, (passed on May 23d,) I found there would remain some thousands whom it would be necessary to disband. The preparations for establishing a camp or camps under the law were immediately instituted, and the process of disbandment was reluctantly commenced, according to the instructions of the War Department with reference to all regiments and companies recruited beyond the number of the six regiments which the Federal Government consented to receive, and the five additional regiments which, by law of the State, I was authorized to place in camp here for instruction and discipline.

It should not be forgotten that at this time six Massachusetts companies, organized in Newburyport, West Cambridge, Milford, Lawrence, Boston and Cambridgeport, finding no places in our volunteer service, received permission to join the Mozart Regiment and Sickles Brigade, both belonging to the State of New York ; that three hundred more Massachusetts men were enlisted in the " Union Coast

Guard Regiment" at Fortress Monroe, under command of Col. Wardrop; and that others were also enlisted by persons from other States, who maintained recruiting stations in our towns and cities until they were prohibited by law from thus withdrawing the people of Massachusetts into the organizations of those States. There were estimated by the Adjutant-General of this Commonwealth more than 3,000 Massachusetts men who thus went to swell the apparent contribution of other communities while lessening the ability of this State to meet any subsequent draft upon her military population.

On the 3d of December, 1861, an Order of the War Department was promulgated that

"No more regiments, batteries, or independent companies will be raised by the Governors of States, except upon the special requisition of the War Department."

In February, 1862, I requested leave to recruit four companies, and to organize them, with six companies of volunteer infantry doing garrison duty at Fort Warren in Boston Harbor, into a regiment, to be used in any coming emergency. The offer was declined, with the remark that "the four additional companies which would be needed to complete an entire regiment," were "not required for service." An additional company of sharpshooters was also

offered on February 26th, 1862, but an answer was returned on March 17th, that they could not be accepted, unless as a company to complete some infantry regiment. The company was disbanded, because no such incomplete and authorized regiment existed, and because the men were offered as sharpshooters.

On the 3d of April, 1862, it was further ordered by the War Department as follows:

“The recruiting service for volunteers will be discontinued in every State from this date. The officers detached on volunteer recruiting service will join their regiments without delay, taking with them the parties and recruits at their respective stations. The superintendents of volunteer recruiting service will disband their parties and close their offices, after having taken the necessary steps to carry out these orders.”

To this Order an exception was obtained by me later in the month, authorizing recruits to be enlisted here to repair the losses which the Massachusetts regiments in the Department of North Carolina had sustained in the battles of Roanoke and Newbern; and on June 5th another exception was obtained in favor of the Second Regiment of Massachusetts Infantry, which had suffered in the recent withdrawal of our forces up the Valley of the Shenandoah. At

the same time with this last, I received authority to recruit for any of our regiments in the field.

On the 7th day of July, 1862, in apparent compliance with the united request of the Governors of several of the loyal States, the President of the United States promulgated a requisition for 300,000 more volunteers to be enlisted under the State Governments, and to serve for three years, or during the war.

The number of organizations which up to that time had been furnished by Massachusetts, was 27 regiments and 13 unattached companies of the different arms, whose whole number of men, with the addition of the recruits who had joined them after reaching the field and before the cessation of recruiting in April, 1862, was 31,377. I respectfully ask your attention to a statement arranged in tabular form, embracing the designation of each regiment and unattached company, the date when it marched from the Commonwealth, and the number of its members at the time.

1st Regiment Infantry,	.	1,047 men,	marched June 15, 1861.
2d " "	.	1,046 " "	July 8, 1861.
7th " "	.	1,046 " "	11, 1861.
9th " "	.	1,047 " "	June 24, 1861.
10th " "	.	1,047 " "	July 25, 1861.
11th " "	.	1,050 " "	June 24, 1861.
12th " "	.	1,055 " "	July 23, 1861.

13th Regiment Infantry,	.	1,021 men, marched	July 30, 1861.
14th* " " . .	.	1,305 " "	Aug. 7, 1861.
15th " " . .	.	1,040 " "	8, 1861.
16th " " . .	.	1,003 " "	17, 1861.
17th " " . .	.	951 " "	23, 1861.
18th " " . .	.	1,012 " "	26, 1861.
19th " " . .	.	852 " "	28, 1861.
20th " " . .	.	762 " "	Sept. 4, 1861.
21st " " . .	.	1,007 " "	Aug. 23, 1861.
22d " " . .	.	1,050 " "	Oct. 8, 1861.
23d " " . .	.	1,062 " "	Nov. 11, 1861.
24th " " . .	.	989 " "	Dec. 9, 1861.
25th " " . .	.	1,032 " "	Oct. 31, 1861.
26th " " . .	.	1,050 " "	Nov. 21, 1861.
27th " " . .	.	983 " "	2, 1861.
28th " " . .	.	950 " "	Jan. 11, 1862.
29th " " . .	.	881 " "	{ † May —, 1861. ‡ Jan. —, 1862.
30th " " . .	.	929 " "	Jan. 2, 1862.
31st " " . .	.	941 " "	Feb. 20, 1862.
1st Reg't Cavalry and unattached Companies, }	.	1,857 " "	{ Dec. —, 1861. Jan. —, 1862.
1st Battery Light Artillery,		170 " "	Oct. 3, 1861.
2d " " " .	.	152 " "	Aug. 8, 1861.
3d " " " .	.	157 " "	Oct. 7, 1861.
4th " " " .	.	154 " "	Nov. 20, 1861.
5th " " " .	.	156 " "	Dec. 25, 1861.
6th " " " .	.	139 " "	Feb. 8, 1862.
7th " " " .	.	152 " "	May 22, 1861.
8th§ " " " .	.	155 " "	June 25, 1862.
1st Co. of Sharpshooters, }	.	208 " "	{ Sept. 3, 1861. Oct. 8, 1861.
2d " " " }	.		

Recruits sent to the above organizations, after reaching the field, . . . . .

2,279 men marched at various dates.

Total of 27 Regiments and 13 ———.

Companies, and their recruits,—in all, . . . . .

31,737 men.

\* Afterwards First Heavy Artillery.

† Seven Companies.

‡ Three Companies.

§ For 6 months.

To the above should be added—

Company "B," 40th N. Y.		} These numbers are taken from the muster- rolls at Washington, and include only three of the six companies in these New York regiments.
Vols., . . . . .	101 men.	
Company "H," 1st Excelsior		
Brigade, . . . . .	89 "	
Company "D," 5th Excelsior		
Brigade, . . . . .	90 "	
Men in the "Union Coast		
Guard," . . . . .	233 "	
<hr/>		
Total, . . . . .	32,250 men.	

No official order was ever issued to this Commonwealth, within my knowledge, fixing the quota of Massachusetts under the requisition of July, 1862; but, upon consultation had in Boston, between the proper representative of the War Department and the Adjutant-General of Massachusetts and myself, it was at the outset understood that the Massachusetts quota of that number was 15,000 men. On the same day (July 7th, 1862,) a General Order was prepared and promulgated from the Commonwealth Head-quarters, announcing the fact, and the proportion of that aggregate which each town and city should furnish. A new crusade for the Union was preached all over the Commonwealth. The unfortunate campaigns in Virginia, which resulted in the return of both our armies within the defences of Washington, aroused and inflamed the zeal of the whole people. The requisite number of men was speedily raised.

On the 4th of August, 1862, the President, by his further Proclamation, called for 300,000 men in addition, to serve for nine months, exacting a draft to be made in accordance with certain regulations, which were promulgated by the Department of War. The quota of Massachusetts was fixed at 19,080. Although that number of nine months men was not raised by Massachusetts, the difference was more than supplied before the first day of January last, by an excess of men who enlisted as three years volunteers.

This result will appear by the following statement :

The requisition of July, understood to be for	15,000
That for 19,080 nine months men is equal to one-fourth the same number of three years men, viz., (according to the method of computation followed in in the Adjutant General's office at Washington,)	4,770
Total of both calls, when reduced to three years men,	19,770

The troops furnished by the Commonwealth, and not included in the previous statements, and to be credited against the aggregate last stated, were as follows, viz. :

*Three Years Volunteers.*

32d Regiment Infantry,	1,018 men, marched May 26,* 1862.
33d " " "	942 " " Aug. 14, 1862.
34th " " "	1,027 " " 15, 1862.
35th " " "	1,018 " " 22, 1862.

\* Six Companies only marched at this date, and the residue afterwards.

36th Regiment Infantry,	. 1,015 men, marched	Sept. 2, 1862.
37th " " . .	979 " "	7, 1862.
38th " " . .	1,018 " "	24, 1862.
39th " " . .	987 " "	6, 1862.
40th " " . .	992 " "	8, 1862.
41st* " " . .	1,127 " "	Nov. 5, 1862.
9th Battery Light Artillery,	152 " "	Sept. 3, 1862.
10th " " " .	156 " "	Oct. 14, 1862.
1st Unattached Co. H. Art.,	147 " mustered	Feb. 26, 1862.
2d " " " .	140 " "	Nov. 3, 1862.
3d " " " .	156 " "	Dec. 31, 1862.

Recruits for old Regiments  
and Companies, . . 5,209 " marched at various dates

10 Reg'ts and 5 Companies and  
Recruits for 3 y'rs., . . 16,083

### *Nine Months Volunteers.*

3d Regiment Infantry,	. 1,007 men, marched	Oct. 22, 1862.
4th " " . .	982 " "	Dec. 17, 1862.
5th " " . .	997 " "	Oct. 3, 1862.
6th " " . .	913 " "	Sept. 1, 1862.
8th " " . .	962 " "	Nov. 7, 1862.
42d " " . .	998 " "	19, 1862.
43d " " . .	1,024 " "	Oct. 24, 1862.
44th " " . .	1,023 " "	22, 1862.
45th " " . .	1,005 " "	24, 1862.
46th " " . .	983 " "	Nov. 1, 1862.
47th " " . .	1,024 " "	29, 1862.
48th " " . .	996 " "	Dec. 1862.
49th " " . .	948 " "	Nov. 21, 1862.
50th " " . .	964 " "	19, 1862.
51st " " . .	961 " "	11, 1862.
52d " " . .	940 " "	19, 1862.
53d " " . .	958 " "	18, 1862.
11th Battery Light Artillery,	152 " "	Oct. 3, 1862.

17 Regiments and 1 Company  
or Battery, . . . 16,837

\* Afterwards, with unattached Companies, forming the 3d Regiment of Cavalry.



Reduced to three years' men, they would be equal to	4,209
Three years' men brought forward,	16,083
Total,	20,292
Amount of the two calls, reduced to three years' men, as above stated,	19,770
Excess up to January 1, 1863,	522

Since the 1st day of January, 1863, there has been a steady, persistent system of recruiting going on under the direction of the State Government, which has been continued without relaxation even during the enforcement of the draft of July last, by which means there have been raised, during the last year, and previous to the latest call of the President, of October 17th, 1863, (making a rest on that day because all subsequent musters are to be credited against that call,) and in excess of all specific calls by the United States government, the following troops :

2d Regiment Cavalry,	1,190	men, marched Feb. & May, '63.
New Battalion for 1st Regiment Cavalry,	60	"
2d Reg't Heavy Artillery,	1,073	" " Sept. & Nov. '63.
4th Unattached Co. H. Art.,	152	" mustered April 22, 1863.
5th " " "	144	" " June 6, 1863.
6th " " "	133	" " May 19, 1863.
7th " " "	178	" " Aug. 14, 1863.
8th " " "	135	" " Aug. 14, 1863.
9th " " "	141	" " Aug. 27, 1863.
10th " " "	132	" " Sept. 16, 1863.
54th Regiment Infantry,	1,029	" marched May 28, 1863.
55th " " "	1,023	" " July 21, 1863.
12th Battery Light Artillery,	135	" " Jan. 2, 1863.

13th Battery Light Artillery,	147 men, marched Jan. 31, 1863.
15th " " "	172 " " Mar. 9, 1863.
Recruits for old Regim'ts } and Companies, . . }	509 " " at various dates
4 Reg'ts, and 11 Co.'s, and } Recruits for three y'rs., }	.6,353
Making, in addition to the previous excess of . . .	522
A total excess of . . .	6,875

This is reached without including the product of the late draft, (July, 1863,) of which I shall speak hereafter, and not including the three months militia, nor the Massachusetts men enlisted in organizations of other States, nor the large numbers in the Navy, estimated at an aggregate of 12,000 seamen and marines, nor our men enlisted in the regular army. But it has recently been represented that previous to July, 1862, while Massachusetts had furnished all the troops ever asked from her, and many more, and while she was urging upon the War Department troops which the Government of the United States did not accept, and while, as a consequence, thousands of Massachusetts men were enlisting in organizations of other States,—that previous to July, 1862, Massachusetts ought to have furnished a larger amount than she could prevail upon the General Government to accept. In other words, there is charged against us an estimated proportion or *pro forma* quota of

all the three years volunteers furnished by the loyal States prior to July, 1862—amounting

- 1.—In the aggregate to . . . . . 34,868 men.  
(This reckoning charges us with our proportion of men furnished by other States, when no call was made on the State for any contingents or quotas and when our offers were in excess of the troops accepted.)
- 2.—It is also declared that our real quota of the three years men called for in July, 1862, was not 15,000; that we erred in supposing that to have been the number; and that the correct number was . . . 19,080
- 3.—Adding to these numbers 19,080 nine months men, equivalent, when reduced to three years men, to . . . . . 4,770

These items present a total of either actual or *pro forma* calls previous to the draft of July, 1863, of 58,718 men

Even if this view should be taken of what was due from Massachusetts, she has raised, as I have stated above—

Previously to July, 1862, . . . . .	32,250
Under the call of July, 1862, . . . . .	16,083
16,837 nine months men, equal, when reduced to three years men, to . . . . .	4,209
Volunteers enlisted and mustered between January 1, 1863, and October 17, 1863, . . . . .	6,353
	<hr/> 58,895

Making, even with this understanding of the quotas, a surplus of 177 men. And this result is arrived at without reckoning the service of the *three months militia* whom we have furnished, — and reckoning twelve soldiers enlisted for three months as of military

value only equal to four men enlisted for nine months, or to one man enlisted for a term of three years, these would amount to 311 more, making up a surplus of 488 above all actual and constructive demands.

Thus far, this enumeration has pursued the method understood to be adopted in the office of the Adjutant-General at Washington. It assumes the value of each soldier to be proportioned to the term of his enlistment, crediting all three years volunteers according to their aggregate number, and all others according as the length of their respective terms of enlistment is proportioned to the term of three years. Thus, each three years volunteer counts *one*, in crediting the States with their volunteers, while four volunteers for nine months' service count only one, since one term of three years' service is equivalent to four of nine months. It has been the effort of what we deemed sound policy in this Commonwealth, to encourage enlistments for the longer rather than the shorter terms, not only because of the greater economy and superior military efficiency thus promoted, but also for reasons apparent from the statements just made.

But the enumeration after the method explained, although equitable in itself and on the whole, does not exhibit the entire number of men contributed to the military service of the United States by this Com-

monwealth, numbers of whom, though enlisted for shorter periods than three years, deserve to be remembered irrespective of all the convenient rules of computation observed in comparing the services of living men, because they gave themselves for no term of months or years, but for the measure of their life-time, and *died* in the service and for the cause of their country.

The aggregate numbers in the different classes of our whole contribution of soldiers, are as follows:

For three months, 5 regiments, 1 battalion, 1 company,	3,736 men.
36 days, 1 company, (Boston Cadets,) . . .	117 “
3 months, 1 company, (Capt. Staten's,) . . .	101 “
4½ months, 1 company, (Salem Cadets,) . . .	131 “
6 months, 1 company, (8th Light battery,) . . .	155 “
9 months, 17 regiments, 1 company, . . .	16,837 “
3 years, 41 regiments, 34 companies, and recruits for same, . . . . .	54,531 men.

Making a final total of men sent by Massachusetts into the military service of the United States, on the land, during the present war, previously to Oct. 17, 1863, of . . . . . 75,608 men.

In this connection it may be remarked that any apportionment among different States, of their contributions to the armed force of the country, in order to be equitable and just, ought to be made according to the number of able-bodied men between the ages which are fixed as the limits of liability to military service; and not according to the whole population,

which consists partly of women, children and aged persons, in proportions that vary in different States. A newly settled community, which has drawn within its limits the active, vigorous and enterprising young men from other portions of the country, must necessarily have a larger share of able-bodied men within the military ages, than an older State, of whose population many of the active and hardy men of the military ages have emigrated to the West, leaving behind them a disproportionate number of the old and feeble, and of women and children. Unless, therefore, a careful enrolment is made, of those alone who are liable and able to do military duty, and unless the drafts into military service are apportioned according to such an enrolment, injustice will be done to those communities which have the smaller proportions of men within the military ages and capable of bearing arms.

Having in view such considerations, the Provost-Marshal-General of the United States remarks, that in executing the law of Congress of March 3d, 1863, popularly termed the "Draft Act,"

"The main object was to apportion the number among the States, so that those previously furnished and those to be furnished would make a given part of their *available men*, and not a given part of their *population*."

This was rendered practicable by the terms employed in the last-named Act, in reference to the duty of the President “in assigning to the districts the number of men to be furnished therefrom.”

The Act, in one word, evidently contemplates, for the first time, basing requisitions for men on the enrolled military strength, and not on the population of the States, the inequality of which latter method is illustrated in the same report of the Provost Marshal General, by the testimony there found that under former calls

“Some of the Western States, with quotas nearly as large as some of the Eastern, not only furnished their quotas and a large excess besides, but had a larger proportion of males left than Eastern States which had not entirely filled their quotas.”

At the time when troops were accepted from other States and the volunteers of Massachusetts were declined, the Government did not probably contemplate the possible future exercise of the high prerogative implied in the enforcement of a draft for the military service. Nor had it perhaps the means of then adjusting, without delay, the acceptance of volunteers from the several States in due proportions. There were many unavoidable circumstances, not easily detailed but quite easily under

stood, which disturbed the equality of their distribution. And it should be remembered also that prior to the Act of 3d March, 1863, the laws of Congress required that the President, in making any requisition on the States respectively, should have reference to the numbers then in service from the several States, equalizing, so far as practicable, the numbers furnished by them, according to "Federal population," or (as it is also styled in the national statutes,) "representative population."

I intend to imply no criticism, in any thing which this Address may contain, on any department or functionary of the United States Government. On the contrary, I believe that the President and the Secretary at War have at all times sought to distribute the burdens, and their credits, upon and among the loyal States in obedience to the laws of Congress, and with a disposition to recognize the just demands of them all. But I have deemed it my duty to prepare this statement of the relation of Massachusetts to the volunteer contingents of the Union, with careful, and perhaps tiresome, elaboration, because I was unwilling to leave the history unwritten of that truth which is always the vindication of the people of Massachusetts. When those who struggled to relieve themselves from the exactions of the draft of last



July, complained, even without reason, and in a spirit of insubordination; when they pointed at Massachusetts, and accused her of non-fulfilment of her duties, stimulating hostility against Massachusetts in the minds of those who dreaded the military service, disliked the national administration, opposed the war much, and the principles and ideas of Massachusetts more,—still I was silent. But, for the sake of the record, and for the truth of history,—not permitting the Commonwealth to be drawn into a discussion elsewhere unworthy her service or her character—I have now spoken, presenting to the Representatives of her People the recorded particulars from which history will hereafter be written.

### *The Draft.*

The draft for soldiers, prosecuted under the direction of the Federal Government, was based on an enrolment made by its officers, of 107,386 men between the ages of twenty and thirty-five years, and denominated the “first class.” The “second class” were enumerated at 56,792, making the whole enrolment 164,178 men. The whole number drawn was 32,079, of which 22,343 obtained exemption. Of this number 3,044 have failed to report. Of the number drafted, 6,690 were held to service. Of these

743 rendered themselves for duty personally; 2,325 are represented by substitutes; 3,622 paid the sum required by law, in commutation.

The experience of all military nations in modern times, favors the adoption of a reasonable system of commutation of military services in money. And notwithstanding the gust of apparent unpopularity which attached to the provision in the National Enrolment Act permitting such a commutation, I have never doubted either its wisdom, expediency or humanity. Indeed, I think its supposed unpopularity was only apparent, and not real. Its repeal would tend to deprive all but the rich of the luxury of a substitute. It would introduce to a golden harvest a class of men whose traffic would be detestable for its cupidity, oppression and injustice. Their trade would be injurious to the service, dangerous to the community, unjust to those demanding substitutes, and equally unjust to the men offering themselves in supply. The only system compatible with the public good is that which demands but one maximum price as the condition of exemption, which prevents panic and competition, creates but one market, and but one bidder for substitutes, and leaves their procurement to the control of the government.

I respectfully suggest, however, that the duty of providing men for the military service does not equitably rest on the shoulders of those men only, of military age and capacity. In the last resort, and when the exigency is adequate, I admit that it *may* become their duty to bear it alone, because when at last the final struggle comes, it is the duty of every man according to the measure of his power, whether of mind, body or estate, to do whatever he can to save his country. But while a community is prosperous and its means abundant, both sound policy and natural justice require that all who share the benefits conferred by the soldier upon his country, should also help the soldier to carry his burden. In order that any shall have a home it is needful that some should go abroad to defend it: and those who remain ought to assist in rendering it reasonably convenient for others to go.

But the welfare of human society never fails to require of the statesman economy of all its resources. The extravagance of to-day only foretells the poverty of to-morrow. Economy itself may demand liberality of expenditure, but it never permits the wasting of resources. Nature, even, boundless in her capacity, uses only what she needs. The duty of suppressing the rebellion involves that of restoring

and reconstructing order, society, civilization, where treason and slavery have subverted them, of maintaining them wherever they still exist, of encouraging every benignant, beautiful and useful art, of enlarging the boundaries of knowledge, virtue and truth. This duty involves not merely preserving that political organization known as Government, that combination of States we call our Union, or that fundamental framework of law, its Constitution. Preserving these as invaluable means and opportunities, the work before us involves the duty of perpetuating, securing and amplifying the rights, the freedom, and the welfare of all that portion of mankind whose allegiance our country may rightfully claim.

Considering how vast the responsibility, the extensiveness of the field, the protean shapes innumerable in which that duty is to be encountered, the millions of men who are to be affected, and the infinite years to be influenced by what we do, I cannot but feel that there is no peril from war half so tremendous as those which follow from temporizing, short-sighted or superficial state policy. Even in raising soldiers to recruit our army, we must look beyond the campaign. In carrying on war, we must look through the war to the peace which lies beyond it. And in studying how by war to conquer a peace, we must look beyond the

peace itself we long for, and consider permanence, security, freedom, and progress. The duty peace will impose requires even while the war continues, the re-establishment of society wherever the army advances, or at least that its foundation shall be securely laid.

The husbanding of our means for all the uses to which they may be required hereafter, implies that they should be sometimes saved, sometimes distributed, sometimes used, but always with that discretion grounded in a clear purpose, which best adapts them to their ends. So, therefore, men should be sought for and accepted where men are abundant and where civil employment is deficient. But where the wants of a whole people demand all the efforts of labor, and capital waits to pay liberally for all that labor can perform to supply them, is it even doubtful economy for men to be there withdrawn from peaceful industry, unless the withdrawal is unavoidable?

Having sent into the field one man at least out of every three of her enrolled militia, at some time or another since the war began, and having spent for the service already not less than \$15,000,000, including municipal expenditures, but not including the National taxation, I do not think it unbecoming the people of this Commonwealth to suggest any measure of justice

tending to preserve her industry, her ability to be useful to the country, and yet to swell the ranks of the National armies. With this view, I think it not improper that she should be allowed to recruit her wasted regiments on the very fields where those regiments have borne the National flag with honor, and in the very States they have helped to grasp from rebel usurpation. Every man she might thus induce to join her ranks, would be one civilian saved to the National industry, one soldier added to the army of the Union, one the less possible victim of rebel conscription, one Union man of the South enjoying, in the form of a Massachusetts bounty, some compensation for the waste and want with which the rebellion had visited him. Now, whether white men or black men, why should we not be permitted to invite them to come? Why should we not encourage them by the pecuniary advantages of a remunerative service? Why not weaken the walls of the house of the enemy by attracting whatsoever supports them? And how could the mission be more actively prosecuted of disabusing misinformed southern men, and spreading over the South, now ruined by an insolent aristocracy, the principles of the democratic North? I venture to suppose that the opportunity offered to any inhabitants of disloyal States of serving in the

regiments of the patriotic Free-State volunteers, of being helped and relieved by their bounties, of marching under their tried and experienced commanders, shoulder to shoulder with their intelligent veterans of the rank and file, would be the beginning of one of the many moral victories of the war. This measure, already proposed in Congress, of permitting all the loyal States to recruit for their volunteer corps in those States to which no contingents are assigned, I respectfully submit, deserves the support of the Legislature of Massachusetts.

Nevertheless, under whatever decisions and laws, —with fidelity and courage unswerving and indomitable,—*her People will do their duty.*

This proposition is of greater importance to the Nation than it is to Massachusetts. The organized, skilled industry constantly at work, the powers of water and steam harnessed into the service of man, the stupendous enginery of mechanical ingenuity, the brain-power wielding and directing all these vast and varied forces engaged in the production of wealth, comfort and the means wanted to maintain order, decorum, and the very existence of society, are of indispensable necessity to the whole country as a condition of maintaining her armies and of conducting the war. Whenever one community can furnish volun-

teers for our armies, and other communities can afford to pay them to come, but cannot afford to spare their own men from their own industry, the simplest political economy teaches the wastefulness of refusing to allow these balances to be adjusted by the laws of supply and demand. Not to do so seems to me as it would seem in mechanics to reject the use of the lever, and to insist on moving all bodies by a dead lift.

Do not understand me to claim any preference in our own behalf; nor in behalf of the New England States; nor of any communities whose combinations of labor and capital—whose industry—corresponds to theirs. The argument applies of course alike, whenever the facts agree; and the conclusions which follow from the facts are the deductions of inexorable logic. Do not understand that I would have such communities exempted from furnishing a proportion—perhaps a major part—of their contingents, from their own population. There are those in nearly every part of the country who can be spared for the military service. There are those everywhere who desire ardently to render it. There are those who ought not to be exempted from it. And I only suggest that all the States should be allowed to recruit for their own regiments to the amount of a certain proportion of the quotas of the new levies



assigned to them, within those States on which no requisitions are made.

I have heard, in substance, but one argument in opposition. It is simply the argument based on a supposed jealousy on the part of certain States of the West or Northwest, against some of the older Commonwealths where moneyed capital is more abundant. But can it be imagined that a great question of public economy,—the supreme interest of all people in all the States that the Arts of civilization shall not fail, and Industry, which is their foundation, shall not be broken down,—is to be settled against the universal interest by a sentiment of local jealousy? Those who suggest it underrate their own constituencies. But if they are right, then let Massachusetts be specially excluded from the arrangement. Let all New England be excluded. But let *other* States be privileged to recruit in the manner I have suggested. It is worth the while, simply for the political and military strength to be gained to our own cause, and the weakness it would communicate to the enemy; and Massachusetts, I am sure, will be content to wait a while for justice and better views to obtain.

A State system of recruiting, both of white and colored men, in the rebel States, will succeed. A

Federal system will only partially succeed. The difficulties inherent in bureau-operations I do not think under the Federal system can be seasonably overcome. The States raise State volunteers more rapidly everywhere than troops can be otherwise accumulated. It has always been so. The work can be popularized by their measures and can be accommodated to familiar traditions and methods. When committed to the Federal government it is done only after the methods and traditions of the regular army, which are intrinsically ill adapted to the task. It is well systematized, but it wants life and inspiration. All experience I have known, down to this very hour, has helped to establish the opinion I have just expressed. Troops cannot be suddenly raised, without considerable time occupied in the work, either by any means of volunteering, or by conscription. The reasons are both moral and material. They were little less apparent in the summer of 1861 than they are now. With a constantly maintained and systematic plan of State recruiting I am confident that Massachusetts will never fail of furnishing her military contingents. But, in order to succeed well, the system pursued should never be suspended; it should be uniform and co-operative. Bounties should be equal, paid by the government, on a maximum subject to reduction and not inflexibly the same.

*New England and the Northwest.*

There ought to be absolute sympathy of feeling, as there is community of interest, between New England and the States of the West. By the census of 1860, 560,336 of the children of New England, natives of her soil, were residents of other States and Territories. Of the inhabitants of Massachusetts in 1860, 970,952 were American born, 805,546 were natives of the Commonwealth,—the residue of her population being either foreign to the State or to the country, by their birth. But she had contributed to other States and Territories 160,692 of her own children. Of these, 16,313 were found in Ohio, 9,873 in Michigan, 3,443 in Indiana, 19,053 in Illinois, 3,719 in Minnesota, 12,115 in Wisconsin, 6,214 in Iowa. And in Kansas, where in 1855 she made haste to hoist the flag and practically assert the principles of Liberty, and where her sons have repeatedly sealed their testimony with their blood, 1,282 natives of Massachusetts continued to guard the outposts of Freedom, always menaced and frequently assaulted by the foes of our common country and the supporters of slavery.

More than fifty millions of dollars of New England capital invested in the railroad enterprises of the Great West; (to say nothing of a probably equal

amount expended in lands, or employed in loans and in personal property,) and twenty-five millions invested in mining, have been used to develop the splendid capacity and resources of those youthful but sturdy Commonwealths; while within the last twenty years, three millions of dollars, at least, and how much more I know not, in voluntary contributions have found their way from New England, flowing in numerous rills of philanthropic and religious charity, to the churches, the schools, and the other institutions of the West devoted to learning and religion. The young men and maidens who annually migrate thither from these Eastern Commonwealths, are not only drawing after them their share of the paternal inheritance, but are always weaving a sympathetic net-work of affection, reaching to cradle and prairie farm, from the old homesteads and churchyards of New England. During the last session of the Federal Congress, the people of the Great Northwest enjoyed and recognized both the friendship and the comprehensive statesmanship of the Eastern representatives, in the almost undivided support extended by New England to the project of uniting the Great Lakes with the Mississippi River, as a National measure, by a ship canal.

In respect to the quantity of Northwestern food

consumed in New England, no means yet exist, to my knowledge, of statistically presenting the subject in precise detail. That could only be done after carefully ascertaining the quantities carried into New England by the railways, and the coasting vessels from all the ports on the Hudson. Reasoning from a few known elements of calculation, it may, however, be satisfactorily estimated.

Foreign statistical writers differ considerably in their estimates of the cereal consumption of nations. McCulloch states the yearly consumption of England at one “quarter” of wheat, or eight bushels to each inhabitant. France, feeding more on bread and less on meat, is estimated as high as ten bushels. But New England, consuming largely of fish and other animal food, possibly may not exceed seven bushels to each person. At seven bushels each, her 3,135,293 inhabitants would consume 21,947,051 bushels.

The census of 1860 shows that her own product of cereals was :—

Of wheat, only . . . . .	1,077,285 bushels.
rye, only . . . . .	1,417,560 “
Indian corn, only . . . . .	9,099,570 “

Total yield of cereals grown in New England, 11,594,415 bushels.

But Massachusetts, with a population of 1,231,066, produced less breadstuffs in proportion than either of

the New England States. While her population would, at seven bushels each, call for 8,617,462 bushels, her actual production of cereals was :—

Of wheat, only . . . . .	119,783 bushels
rye, only . . . . .	388,085 “
Indian corn, only . . . . .	2,157,063 “
<hr/>	
Her total being only . . . . .	2,664,931 bushels.

Her residue of breadstuffs, purchased of the region to the North and West, allowing seven bushels for each inhabitant in the year 1860, was 5,952,531 bushels ; or, if she consumed at the rate of eight bushels,—the computation of English consumption by McCulloch,—her purchase must have been 7,183,597 bushels. More than seven-eighths of the whole cereal yield of Massachusetts was Indian corn, of which a very large portion must have been fed to animals. Her proportional purchase, therefore, must have been much larger than the average purchase of New England. The annual consumption of purchased flour by New England,—at an estimate which is sustained by the computations I have already made,—is something near 3,500,000 barrels, or more than one barrel to each inhabitant. In the year 1862, more than 800,000 barrels of Western and Northern flour were sold in Boston for domestic consumption, or three-fourths of a barrel for each person in Massachusetts ;

which number I assume must have been equalled by the sales in other marts of the State.

But, to abridge a discussion which would be too protracted were the statistics to be pursued into greater detail, I venture to affirm the conclusion that the consumption of Western agricultural products within the six States of New England, including flour, grain and animal food, used for the support of man and the forage of cattle, swine and horses, during the year 1863, reached the value of \$50,000,000, the proportion of which taken by Massachusetts exceeded \$20,000,000.

Beside this, it must be remarked that the mills of New England are manufacturing wool at the rate of not less than eighty million pounds annually, producing two-thirds of the woollen fabrics made in the United States. Perhaps thirty-five million pounds are imported from foreign countries. The remaining forty-five millions or more is American grown, being about two-thirds of the whole clip, (according to the last census,) to which New England affords a market. Her own clip of wool in 1860, was less than seven millions of pounds, out of about forty-nine millions produced in the loyal States. Massachusetts, while she raised not more than  $\frac{1}{14}$ th of the clip of New England, or about  $\frac{1}{100}$ th of the clip of the loyal States, or  $\frac{1}{150}$ th

part of all the wool made into American goods, manufactured one-third of all the woollen fabrics made in the Union. Beside all this, there is the carpet and coarse blanket wool, now manufactured in New England to the quantity of twenty millions of pounds.

### *Western Transportation.*

These calculations and statistics establishing our power of consuming Western products illustrate also the importance to the West of extending its market by the cheapening of transportation; the importance to consumers of all classes, of cheapening food by increasing the means of direct and economical transportation; the importance to the commerce of Boston, of bringing food, which, whether arriving here in the forms of grain, flour, lard, live animals, or cut meats, is becoming of more and more commanding value in our commercial exchanges; the importance of abundant and cheap transportation for *fuel*, as well as for food, if we would maintain the manufacturing power of New England. On the prosperity of these manufactures depend not only the support of the citizens and laborers they employ, the thrift of the villages they created, but the domestic markets for vegetables, milk, fruit, poultry, and other products of the field, the orchard, and garden, which yield revenue to our own farmers.



An adequate treatment of this subject includes a consideration, not only of the procurement of cheap and abundant food for our own eaters, of prosperity to our manufacturers and mechanics, of lively domestic markets, of local welfare all over Massachusetts, but of our growth and permanence as a commercial people. It spans the ocean, it scales the mountains, bridges the rivers, and steams over the great lakes, strengthening us at home by its unifying of interests between West and East, and contributing to the power, influence and ubiquity of our commerce on every sea.

GENTLEMEN OF THE SENATE AND

OF THE HOUSE OF REPRESENTATIVES :

Several topics—among others, of the militia—omitted from this Address, already long, can be better matured hereafter, should occasion demand their discussion. I must not omit to bear public testimony again to the efficient manner in which the recruitment of volunteers is conducted through the municipal governments. The work is brought directly home to the people. Led by their own local magistrates, it is patriotically done. Time, an element not usually understood, will enable them to fill our contingent. I can never express my

sense of the sublime devotion to public duty I have witnessed in this people from my watch-tower of observation; nor the gratitude I owe for their indulgent consideration.

But the heart swells with unwonted emotion when we remember our sons and brothers, whose constant valor has sustained on the field; during nearly three years of war, the cause of our country, of civilization, and liberty. Our volunteers have represented Massachusetts, during the year just ended, on almost every field and in every department of the army where our flag has been unfurled. At Chancellorsville, Gettysburg, Vicksburg, Port Hudson, and Fort Wagner, at Chattanooga, Knoxville, and Chickamauga—under Hooker, and Meade, and Banks, and Gillmore, and Rosecrans, Burnside, and Grant,—in every scene of danger and of duty, along the Atlantic and the Gulf, on the Tennessee, the Cumberland, the Mississippi and the Rio Grande,—under Dupont and Dahlgren, and Foote, and Farragut and Porter,—the sons of Massachusetts have borne their part, and paid the debt of patriotism and valor. Ubiquitous as the stock they descend from, national in their opinions and universal in their sympathies, they have fought shoulder to shoulder with men of all sections and of every extraction. On the ocean,

on the rivers, on the land, on the heights where they thundered down from the clouds of Lookout Mountain the defiance of the skies, they have graven with their swords a record imperishable.

The Muse herself demands the lapse of silent years to soften, by the influences of Time, her too keen and poignant realization of the scenes of War—the pathos, the heroism, the fierce joy, the grief, of battle. But, during the ages to come, she will brood over their memory. Into the hearts of her consecrated priests will breathe the inspirations of lofty and undying Beauty, Sublimity and Truth, in all the glowing forms of speech, of literature and plastic art. By the homely traditions of the fireside—by the head-stones in the church-yard, consecrated to those whose forms repose far off in rude graves by the Rappahannock, or sleep beneath the sea,—embalmed in the memories of succeeding generations of parents and children, the heroic dead will live on in immortal youth. By their names, their character, their service, their fate, their glory, they cannot fail;—

“They never fail who die

In a great cause; the block may soak their gore;

Their heads may sodden in the sun, their limbs

Be strung to city gates and castle walls;

But still their spirit walks abroad. Though years

Elapse and others share as dark a doom,  
They but augment the deep and sweeping thoughts  
Which overpower all others, and conduct  
The world at last to FREEDOM."

The edict of Nantes maintaining the religious liberty of the Huguenots gave lustre to the fame of Henry the Great, whose name will gild the pages of philosophic history after mankind may have forgotten the martial prowess and the white plume of Navarre. THE GREAT PROCLAMATION OF LIBERTY will lift the Ruler who uttered it, our Nation and our Age, above all vulgar destiny.

The bell which rang out the declaration of Independence, has found at last a voice articulate, to "Proclaim Liberty throughout all the Land and to all the Inhabitants thereof." It has been heard across oceans, and has modified the sentiments of cabinets and kings. The people of the old world have heard it, and their hearts stop to catch the last whisper of its echoes. The poor slave has heard it, and with bounding joy, tempered by the mystery of religion, he worships and adores. The waiting Continent has heard it, and already foresees the fulfilled prophecy, when she will sit "redeemed, regenerated and disenthralled by the Genius of Universal Emancipation"



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